

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

BILLY HATHORN , JR.

VS.

CRIMINAL NO. 2:09-CR-17-KS-MTP

UNITED STATES OF AMERICA

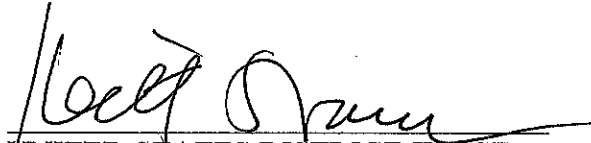
ORDER

THIS CAUSE IS BEFORE THE COURT on Petition under 28 U.S.C. § 2255 to vacate, set aside or correct sentence by a person in Federal Custody [23] filed by Billy Hathorn, Jr., Petitioner.

The Government has responded by filing a Motion to Dismiss [25] alleging that the Petitioner, by written Plea Agreement, specifically waived his right to attack his sentence. *See* Dkt. No. 18 at 4 (“Defendant, knowing and understanding all of the matters aforesaid, including the maximum possible penalty that could be imposed, and being advised of Defendant’s rights... to appeal the conviction and sentence, in exchange for the U.S. Attorney entering into this plea agreement and accompanying plea supplement, hereby expressly waives the following rights:....”). Relevant here, in paragraph 7(b) of the Plea Agreement, Hathorn “expressly waive[d]” his “right to contest the ...sentence or the manner in which the sentence was imposed in any post-conviction proceeding, including but not limited to a motion brought under Title 28, United States Code, Section 2255.” Dkt No. 18, at 4 (emphasis added).

The Court accepted Hathorn's plea and entered the Judgment and Conviction based on the Plea Agreement described above. The Court finds no reason not to enforce the waiver and finds that the Petition is not well taken and should be DENIED.

SO ORDERED this the 30th day of January, 2017.


UNITED STATES DISTRICT JUDGE